

U.S. Department of Justice  
United States Marshals ServicePROCESS RECEIPT AND RETURN  
See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF United States of America	COURT CASE NUMBER 10-CR-0588 <b>JBW</b>
DEFENDANT Michael Hosny Gabriel	TYPE OF PROCESS Preliminary Order of Forfeiture
<b>SERVE</b> ➡ <b>AT</b>	<b>FILED</b> NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN \$88,500.00 Money Judgment c/o United States Marshals Service-EDNY ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 225 Cadman Plaza East, Brooklyn, New York 11201 U.S. DISTRICT COURT E.D.N.Y. ★ JAN 19 2011 ★

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

LORETTA E. LYNCH, United States Attorney  
 Eastern District of New York  
 271 Cadman Plaza East, Seventh Floor  
 Brooklyn, New York 11201  
 Attn: AUSA, Elliot Schachner

Number of process to be served with this Form - 285	<b>BROOKLYN OFFICE</b>
Number of parties to be served in this case	
Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Fold

Please execute the Preliminary Order of Forfeiture as directed pending Final Order.  
 \$10,000.00 check (11-DEA-540510) care of USMS and place in seized forfeiture fund.  
 10-DEA-537453 (\$88,500.00 FMJ)

Signature of Attorney or other Originator requesting service on behalf of:

AUSA Elliot Schachner

☐ PLAINTIFF  
☐ DEFENDANT

TELEPHONE NUMBER

(718) 254-7000

DATE

1/4/11

## SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. 53	District to Serve No. 53	Signature of Authorized USMS Deputy or Clerk <i>[Signature]</i>	Date 1/4/11
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service

Time

1/4/11

Signature of U.S. Marshal or Deputy

Service Fee 5500	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges 5500	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:

\$10,000.00 deposited into the seized asset deposit fund acct on 1/4/2011.

PRIOR EDITIONS  
MAY BE USED

1. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/80)

**INSTRUCTIONS FOR SERVICE OF  
PROCESS BY THE U.S. MARSHAL**

Please type or print legibly, insuring readability of all copies. DO NOT DETACH ANY COPIES.

Submit one complete set of this form (USM-285) and one copy of each writ for each individual, company, corporation, etc., to be served or property to be seized or condemned. The applicable fees for such service(s) (T28, USC Sec. 1921 establishes the fees for service of process by the U.S. Marshal) may be required prior to said service.

For service of any process upon an officer or agent of the United States Government, submit a copy of the writ and a set of Form USM-285 for each officer or agent upon whom service is desired. Submit three (3) additional copies of the writs for service upon the Government of the United States. The U.S. Marshal will serve one (1) upon the U.S. Attorney and will forward two (2) to the Attorney General of the United States. (When the applicable box is checked, completion of the final signature block by the U.S. Marshal or his Deputy always certifies service on the U.S. Attorney and the Attorney General, regardless of whether other defendants on the writ were served.) Failure to provide any of the copies will delay service of the writ.

Complete all entries above the double line. Mark all applicable check boxes and use the "Special Instructions" to advise of any information that will assist the U.S. Marshal in expediting service.

If more than one writ and USM-285 is submitted on a single case, the U.S. Marshal will receipt for all of them on the first USM-285. You will receive for your records the last (No. 5) "Acknowledgment of Receipt" copy for all the USM-285 forms you submit. When the writ is served, you will receive the No. 3 Notice of Service copy. This copy will be identical to the return to the Clerk of the Court.

Upon completion of all services (if the Marshals fees were not requested or tendered in advance or if additional fees are indicated), you will receive a "Billing Statement" (copy 4 of USM-285) from the United States Marshal. (NOTE: Copy 4 should be returned, by you, to the U.S. Marshal, together with your payment of the amount owed.)

Additional supplies of the USM-285 may be obtained from the Clerk of the U.S. District Court or U.S. Marshal, without cost.



F.# 2010R01682/OCDETF #NY=NYE-645

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ SEP 17 2010 ★

BROOKLYN OFFICE

- - - - -X

UNITED STATES OF AMERICA

PRELIMINARY ORDER  
OF FORFEITURE

- against -

10 CR 588 (JBW)

MICHAEL HOSNY GABRIEL,

Defendant.

- - - - -X

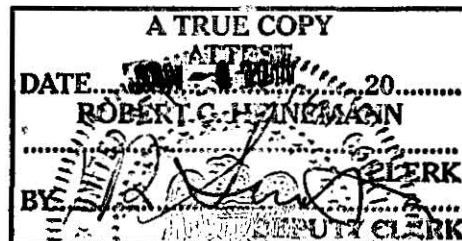
WHEREAS, on or about September 8, 2010, the defendant entered a plea of guilty to an information charging a violation of 21 U.S.C. §§ 841(b)(1)(C), 846; and

WHEREAS, the defendant has consented to the entry of forfeiture money judgment in the amount of eighty-eight thousand five hundred dollars and no cents (\$88,500.00) (the "Forfeiture Money Judgment") to the United States pursuant to 21 U.S.C. §§ 853(a)(1), 853(p), as property that constitutes or is derived, directly or indirectly, from proceeds traceable to a violation of 21 U.S.C. §§ 841(b)(1)(C) and 846, property used or intended to be used in the commission of such offense, and/or as substitute assets;

RECEIVED

2011 JAN -4 PM 12:12

US MARSHAL SERVICE



ST. LOUIS, MO 63101



IT IS HEREBY ORDERED, ADJUDGED AND DECREED, as follows:

1. The defendant shall forfeit all of his right, title and interest in the Forfeited Money Judgment in the sum of eighty-eight thousand five hundred dollars and no cents (\$88,500.00) pursuant to 21 U.S.C. §§ 853(a)(1), 853(p), as property that constitutes or is derived, directly or indirectly, from proceeds traceable to a violation of 21 U.S.C. §§ 841(b)(1)(C) and 846, property used or intended to be used in the commission of such offense, and/or as substitute assets. Payment of the Forfeiture Money Judgment shall be made by certified or bank checks, payable to the "United States Marshals Service." Such check(s) shall be delivered to Assistant United States Attorney Elliot M. Schachner, United States Attorney's Office, Eastern District of New York, 271 Cadman Plaza East, Brooklyn, New York 11201, with the criminal docket number noted on the face of the check.

2. The defendant shall fully assist the government in effectuating the payment of the Forfeiture Money Judgment. The defendant shall not file or interpose any claim or assist others to file or interpose any claim to any property against which the government seeks to execute the Forfeiture Money Judgment in any administrative or judicial proceeding. If forfeiture is not received as provided above, the defendant shall

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forfeit any other property of his, pursuant to 21 U.S.C. § 853(p), the Federal Debt Collection Procedure Act, or any other applicable law.

3. The defendant knowingly and voluntarily waives his right to any required notice, including notice set forth in an indictment or information, concerning the forfeiture of the assets and monies forfeited hereunder, including any undisclosed assets. In addition, the defendant knowingly and voluntarily waives his right, if any, to a jury trial on the forfeiture of said assets, and waives all constitutional, legal and equitable defenses to the forfeiture of said assets, including, but not limited to, any defenses based on principles of double jeopardy, the Ex Post Facto Clause of the Constitution, the statute of limitations, venue, or any defense under the Eighth Amendment, including a claim of excessive fines.

4. Pursuant to the Fed. R. Crim. P. 32.2(b)(3), this Order shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment.

5. The United States alone shall hold title to the monies paid by the defendant to satisfy the Forfeiture Money Judgment following the Court's entry of the judgment of conviction.

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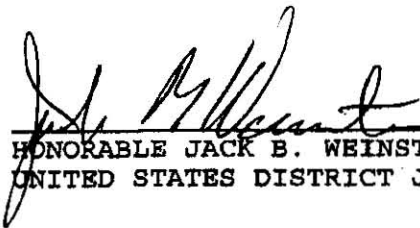


6. This Order shall be binding upon the defendant and the successors, administrators, heirs, assigns and transferees of the defendant, and shall survive the bankruptcy of any of them.

7. The Court shall retain jurisdiction of this action to ensure compliance with the terms of this Order.

8. The Clerk of the Court is directed to send, by inter-office mail, five certified copies of this executed Order to FSA Paralegal, Anthony Lauro, United States Attorney's Office, Eastern District of New York, 271 Cadman Plaza East, 7<sup>th</sup> Floor, Brooklyn, New York 11201.

Dated: Brooklyn, New York  
September 16, 2010

  
HONORABLE JACK B. WEINSTEIN  
UNITED STATES DISTRICT JUDGE

